

Message Text

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PAGE 01 STATE 099536
ORIGIN DLOS-09

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FM SECSTATE WASHDC
TO AMEMBASSY MOSCOW IMMEDIATE

C O N F I D E N T I A L STATE 099536

FOR DARMAN FROM HODSOLL

E.O. 11652:N/A

TAGS: PLOS, UR

SUBJECT:LOS: DEEP SEABED MINING: QUOTAS

1. FOLLOWING UP ON WEEKEND CONVERSATION, THE FOLLOWING
QUOTA OPTIONS ARE BEING CONSIDERED AS A PART OF THE DRAFT
OF THE FINAL REPLY TO PRM-18:

2. OPTION 1: MAINTAIN OUR PRESENT POSITION OF BEING
OPPOSED TO ANY FORM OF QUOTA OR ANTI-DOMINANT PROVISION.

3. OPTION 2: AGREE TO AN APPROACH WHEREBY A STATE COULD
PETITION THE COUNCIL WHERE THE ACTIVITIES OF ONE STATE OR
ITS NATIONALS WERE SO EXTENSIVE THAT THEY HAD EFFECTIVELY
PRECLUDED THE COMPLAINING STATE FROM UNDERTAKING INTENDED
SEABED MINING. IF THE COUNCIL FINDS THAT EITHER (I) ALL
COMMERCIALY VIABLE SITES OTHER THAN THOSE RESERVED FOR
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THE ENTERPRISE AND THE SITE FOR WHICH APPLICATION IS BEING
MADE ARE TAKEN BY THE DOMINANT STATE OR (II) THE PRACTICE
OF A STATE OR ITS NATIONALS ACCOUNTING FOR MORE THAN
OF SEABED PRODUCTION EFFECTIVELY DENIES ACCESS TO SEA-
BED MINERALS TO A COUNTRY NECESSARY TO MEET ITS IMPORT NEEDS,
THE COUNCIL MAY EITHER (A) REQUIRE THE ENTERPRISE TO ENTER
INTO NEGOTIATIONS WITH THE COMPLAINING STATE FOR THE PURPOSE

OF CONCLUDING A CONTRACT ON A RESERVED SITE OR (B) RESTRAIN,

FOR A PERIOD OF TIME, THE DOMINANT STATE OR ITS NATIONALS
FROM ACQUIRING ANOTHER CONTRACT SO AS TO ALLOW THE COM-
PLAINING STATE TO OBTAIN ACCESS TO A CONTRACT AREA.

4. OPTION 3: AN ANTI-DENSITY PROVISION WHICH WOULD
LIMIT THE TOTAL NUMBER OF MINE SITES WHICH ANY SINGLE
STATE OR ITS NATIONALS COULD HAVE WITHIN ANY GEOGRAPHIC
AREA OF A GIVEN SIZE DEFINED IN THE TREATY (E.G., 3-4
MILLION SQUARE KILOMETERS).

5. OPTION 4: A COMBINATION OF OPTION 2 (PROOF OF
INJURY) CONFINED TO THE AREA IN WHICH THE CONDITIONS IN
OPTION 3 ARE MET COUPLED WITH OPTION 3 (ANTI-DENSITY
APPROACH).

6. D/LOS PROPOSES APPROVAL OF OPTION 4.

7. WE HAVE TRIED THESE OPTIONS OUT ON THE ECONOMIC BUREAU
IN STATE AND WITH COMMERCE, INTERIOR AND TREASURY. THEY
WERE ALL RELATIVELY NON COMMITAL, WITH COMMERCE PUSHING
HARD FOR OPTION 2 (INJURY), BEING THE ONLY FALLBACK. THEY
ALL AGREED, HOWEVER, THAT IF SOME MATHEMATICAL FORMULA FOR
ANTI-DOMINANCE HAD TO BE INCLUDED AS AN OPTION, AN ANTI-
DENSITY FORMULA WAS THE BEST. (FYI: WE ARE THINKING IN
TERMS OF USING BASE AREAS THE SIZE OF THE AREA BETWEEN THE
CLARION AND CLIPPERTON FAULT LINES IN THE PACIFIC--APPROX.
3.4 MILLION SQUARE KILOMETERS. THIS IS THE BEST KNOWN AND
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PROBABLY--FOR THE FIRST GENERATION AT LEAST--THE MOST
PRODUCTIVE AREA. THAT AREA COULD BE DIVIDED INTO 57 MINE
SITES OF 60 THOUSAND SQUARE KILOMETERS EACH. IF ANY STATE
WERE ALLOWED ONE THIRD, FOR EXAMPLE, WE COULD HAVE 19;
ONLY 15-20 PROJECTS ARE ANTICIPATED BETWEEN NOW AND THE
YEAR 2000).

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